

### **REMARKS**

Claims 1-57 are pending and stand rejected. The Applicant respectfully requests the Examiner's thoughtful reconsideration in view of the following arguments.

**SPECIFICATION** – The Examiner objected to the Abstract stating that “it is essentially a repeat of Claim 1 and not in narrative form and does not describe the disclosure sufficiently to assist readers in deciding there is a need for consulting the full patent text for details.” In support, the Examiner relies on passages from MPEP 608.01. The Examiner's attention is drawn to the use of the word “should” in those passages. The only mandatory language is the inclusion of an abstract. Even if the Abstract in its present form was inconsistent with those passages, the applicant is under no obligation to make any changes. In other words the passages relied upon by the Examiner contain suggestive rather than mandatory language.

Furthermore, the Applicant maintains that the Abstract is in compliance with the suggestive guidelines found in MPEP 608.01. It is in narrative form and it is between fifty and 150 words. *See* MPEP 608.01(b)(C). Since the disclosure involves a process, the abstract recites the method steps of that process and thus “contains that which is new in the art to which the invention pertains” as suggested by MPEP 608.01(b)(B). Nothing more is suggested or required and the Examiner's objection to the abstract cannot stand.

The Examiner objected to the Specification because it does not contain a summary section. In support, the Examiner relies on 37 CFR 1.77(b). The Examiner's attention is drawn to the use of the word “should” in that rule. The rule merely provides a suggested ordering of sections. The cited rule contains no mandatory language. Other rules require the inclusion of a claim, an abstract, and a description. However, no rule requires the inclusion of a summary section. In short, the rule relied upon by the Examiner contain suggestive rather than mandatory language. The same is true for the MPEP which only includes the suggestive word “should” when discussing the inclusion

and placement of a summary section. See MPEP 608.01(a) and 608.01(d). As such, a summary section is not required by rule or law and the Examiner's objection cannot stand.

The Examiner objected to various paragraphs in the detailed description as to their reference to drawings and drawing elements. Those paragraphs have been amended to address the Examiner's concerns.

**CLAIM OBJECTIONS** – Claim 1 has been amended to correct an informality noted by the Examiner.

**CLAIM REJECTIONS – 35 USC § 112:** The Examiner rejected Claim 34 noting a typographical error. Claim 34 has been amended to correct that error.

**CLAIM REJECTIONS – 35 USC § 102:** Claims 1-5, 24-28, 47, 53, 54, and 57 stand rejected as being anticipated over US Pub 2002/0122067 to Geigel.

**Claims 1, 24, 47, and 57** each recite, in various forms, identifying, within the digital image, a set of digitized objects and adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. Rejecting these Claims, the Examiner makes the following statement:

Geigel discloses the system 124 takes as input a collection of images where the Page Creator Module 126 is responsible for assigning each image to an album page (paragraph 77 and Figures 7, 19 - 38), which reads on the claimed detection module operable to identify, within the digital image, a set of digitized objects. Geigel also discloses the system 124 has the image Placement Module 132 that positions the images on each individual page along with other images (paragraph 77 and Figure 7), which reads on the claimed adjustment module operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.

The Examiner is mistaken. Geigel's Page Creator Module 126 does not identify a set of digitized objects within a digital image. Instead, Geigel's system 124 takes as input a collection or set of separate and distinct digital images. Geigel, paragraph [0077], lines 3 and 4 (exemplary distinct digital images are shown and described with reference to Figures 19-22). Geigel's Page Creator module 126 does not identify objects within a given digital image such as images shown in Figures 19-22. Instead, it simply assigns such digital images to an album page. Geigel, paragraph [0077] lines 12-14. .

Furthermore, Geigel's Image Placement Module 132 does not adjust at least one digitized object within the digital image. Geigel mentions nothing of altering or adjusting any sub element or object of a digital image. Instead, Image Placement Module 132 positions the set of digital images (Figures 19-22) on an album page. Geigel, paragraph [0077] lines 14-16. The placement of distinct digital images is not the same as the adjustment of an digitized object within a given digital image.

Consequently, Geigel fails to teach or suggest identifying, within the digital image, a set of digitized objects and adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. For at least this reason, Claims 1, 24, 47, and 57 are patentable over Geigel. Claims 2-22, 25-45, and 48-54 are patentable based at least in part on their dependency from Claims 1, 24, and 47 respectively.

**CLAIM REJECTIONS – 35 USC § 103:** Claims 6-23, 29-46, and 48-52 stand rejected as being unpatentable over Geigel in view of USPN 6,738,154 issued to Venable. .

**Claims 6-22** are patentable over the cited references based at least on their dependency from Claim 1.

**Claim 23** is directed to a method for organizing a digital image and recites the following:

1. identifying, within the digital image, a set of digitized objects;
2. providing an alignment grid for the digital image;
3. for each digitized object:
  - a. rotating that digitized object so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid; and
  - b. positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid; and
4. wherein the steps of identifying, providing, rotating, and positioning are performed automatically upon generation of the digital image.

As discussed above with respect to Claim 1, Geigel fails to teach or suggest identifying, within a digital image, a set of digitized objects or rotating, positioning, or otherwise adjusting a digitized object within a distinct digital image. Veneble is silent on these points.

For at least this reason, Claim 23 is patentable over the cited references.

**Claim 29-45** are patentable over the cited references based at least on their dependency from Claim 24.

**Claims 46** is directed to a computer readable medium that has instructions for the following:

1. identifying, within a digital image, a set of digitized objects;
2. providing an alignment grid for the digital image; and
3. for each digitized object:
  - a. rotating that digitized object so that an alignment axis of that

digitized object is generally parallel with an axis of the alignment grid; and

- b. positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid.

As discussed above with respect to Claim 1, Geigel fails to teach or suggest identifying, within a digital image, a set of digitized objects or rotating, positioning, or otherwise adjusting a digitized object within a distinct digital image. Veneble is silent on these points.

For at least this reason, Claim 46 is patentable over the cited references.

**Claim 48-52** are patentable over the cited references based at least on their dependency from Claim 47.

**CLAIM REJECTIONS – 35 USC § 103:** Claims 55 and 56 stand rejected as being unpatentable over Geigel in view of USPN 6,999,207 issued to Nakane. .

**Claim 55** is directed to a multifunction peripheral having various elements capable of implementing the method of Claim 1. As discussed above with respect to Claim 1, Geigel fails to teach or suggest identifying, within the digital image, a set of digitized objects and adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. Nakane is silent on these points.

For at least this reason, Claim 55 and Claim 56 which depends from Claim 55 are patentable over the cited references.

**CONCLUSION:** The foregoing is believed to be a complete response to the outstanding Office Action. Claims 1-57 are felt to be in condition for allowance. Consequently, early and favorable action allowing these claims and passing the application to issue is earnestly solicited. The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,

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